48 S.B. CIVIL WRIT PETITION NO.3955/2004
(Ram Sukh Vs. The Judge, Labour Court & Ors.)

Date of Order ::23rd August 2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Gajendra Sharma for the petitioner
Mr.R.Dave Dy.G.A. for the respondents.

Learned counsel for the parties are ad idem that the similar nature order as impugned in this writ petition (Annex.4) has already been set aside by this Court while deciding other writ petitions including CWP Nos.3950/2004 and 3949/2004.

This Court has set aside the award in question passed by the Labour Court, Jodhpur on 25.02.2003 to the extent relating to the said petitioners and the order rejecting the application preferred by the petitioners under Rule 22-A of the Rules of 1965 has been quashed. In CWP No. 3950/2004 this Court has ordered thus:

> "In view of the judgment of this Court, the award passed by the Labour Court, Jodhpur dated 25.2.2003 to the extent it relates to the petitioner is illegal. In view of it, the award impugned dated 25.2.2003 is quashed to the extent it relates to the petitioners. The order dated 3.5.2004 rejecting the application preferred by the petitioner under Rule 22-A of the Rules of 1965 is also quashed. The Labour Court, Jodhpur is directed to decide the industrial dispute with regard to the petitioner afresh within a period of three months from the date, the petitioner submits a certified copy of this order".

Following the decision aforesaid, this writ petition also succeeds and is allowed. The impugned order dated

07.05.2004 (Annex.4) is quashed and set aside; and the award dated 25.02.2003 (Annex.1) made by the Labour Court, Jodhpur so far it relates to the petitioner stands annulled. The Labour Court shall decide the dispute with regard to the petitioner within a period of three months from the date the petitioner submits a certified copy of this order.

(DINESH MAHESHWARI),J.

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